

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 24, 2019

SEAN F. MCAVOY, CLERK

U.S.A. vs.

Martinez, Luis Emanuel

Docket No.

0980 2:19CR00084-001

Petition for Action on Conditions of Pretrial Release

COMES NOW Curtis G. Hare, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Luis Emanuel Martinez, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge John T. Rodgers sitting in the court at Spokane, Washington, on the 17th day of May 2019, under the following conditions:

Standard Condition #2: Defendant shall immediately advise the court, defense counsel, and the U.S. Attorney in writing before any change in address and telephone number.

Release Condition under ECF No. 25: Defendant is released from custody on the condition that he reside with his mother at her home.

Standard Condition #9: Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substance defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach.)

Violation #1: Luis Emanuel Martinez is considered in violation of the release conditions by moving from his mother's home on a date prior to June 13, 2019, contrary to the Court's order in ECF 25, and without having provided prior notice to the Court, U.S. Attorney, or probation officer.

On May 28, 2019, the probation officer reviewed the conditions of release with Mr. Martinez and he signed a copy of the conditions indicating that he fully understood the conditions and was provided a copy of them.

On June 13, 2019, the probation officer contacted Mr. Martinez and directed him to meet the officer at Mr. Martinez' mother's home at 729 Sunset Acres Rd., Othello, WA. The probation officer was already at the residence when the defendant arrived. Mr. Martinez was unable to gain access to the residence because the doors were locked and his mother was not home. During questioning, it became apparent to the officer that Mr. Martinez was not currently living at his mother's home. The defendant stated that he has a difficult relationship with his mother and admitted that he had moved back to his girlfriend's home at 1195 S. Schaake Rd., Othello, WA, several weeks before. The Schaake Rd residence was denied by the Court due to concerns by agents of the Bureau of Alcohol, Tobacco and Firearms that a firearm remained in that home. Mr. Martinez was directed to return to his mothers home as ordered by the Court.

Violation #2: Luis Emanuel Martinez is considered in violation of the release conditions by testing positive for the use of methamphetamine on or about June 10, 2019.

On May 28, 2019, the probation officer reviewed the conditions of release with Mr. Martinez and he signed a copy of the conditions indicating that he fully understood the conditions and was provided a copy of them.

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On June 10, 2019, Mr. Martinez reported to Merit Resource Services as directed and submitted to urine drug testing. The sample tested presumptively positive for the use of methamphetamine and was sent to Alere Laboratory for confirmation testing. On June 12 and 13, 2019, the defendant denied any use of methamphetamine to the probation officer. On June 19, 2019, Alere reported that the sample was confirmed positive for methamphetamine.

PRAYING THAT THE COURT WILL ORDER A SUMMONS

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: June 20, 2019

by s/Curtis G. Hare

Curtis G. Hare
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

June 24, 2019

Date